

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON DECEMBER 12, 2006 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member M. J. Mike Arts
Council Member Peter R. Baronoff
Council Member Bill Hager

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of November 27, 2006
Minutes of the Regular Meeting of November 28, 2006

PROCLAMATIONS/RECOGNITIONS/AWARDS:

Key to the City – The Honorable Rafi Wertheim, Mayor of Kiryat Bialik

NOTICE

Pursuant to F.S. 286.0105, if any decision of City Council affects you, and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.)

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a. Citizens' Pedestrian and Bikeway Advisory Board – three (3) vacancies, due to term expirations.

2. Responses to Workshop Information Requests:

3. Consent Agenda:

(Prior to consideration of a motion to approve the Consent Agenda, the Mayor shall provide for public comment. Those items removed from the Consent Agenda will be considered under Part VII or as otherwise directed by the City Council.)

a. Sealed Bids

- | | | |
|----|---|-------------|
| 1) | Traffic Signs & Marking Items
Requested by Municipal Services
Cloverleaf Corporation, Custom
Products Corporation, Safety Products,
Universal Signs & Accessories, & Vulcan Signs | \$58,000 |
| 2) | Spanish Village, Phase II Utility
Improvement Project
Requested by Utility Services
Asphalt Consultants, Inc. | \$4,033,897 |

b. Intergovernmental Agreement

- | | | |
|----|--|-----------|
| 1) | Trash Truck with Dump Body (Replacement)
Requested by Municipal Services
Atlantic Truck Center | \$111,379 |
|----|--|-----------|

c. Resolution No. 191-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with the Florida Department of Transportation for the continuation of the Transportation Management Initiative; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 192-2006

A resolution of the City of Boca Raton to extend the existence of the Pearl City Blue Ribbon Committee and to extend the terms of the existing members of the Committee; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 193-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Sixth Amendment to the Agreement with Smith & Ballard, P.A., for the purpose of providing professional services; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 194-2006

A resolution of the City of Boca Raton rescheduling the first workshop and regular meetings in October 2007; rescheduling the first workshop and regular meetings in November 2007; and canceling the second workshop and regular meetings in December 2007; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 195-2006

A resolution of the City of Boca Raton authorizing the City Manager to apply for a grant from the United States Department of Justice, Bureau of Justice Assistance pursuant to the Gang Resistance Education and Training Program; authorizing the acceptance of said grant, if awarded; authorizing the expenditure of matching funds for said grant, if awarded; authorizing and directing the City Manager to comply with the terms and conditions of said grant, if awarded; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 196-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute Amendment No. 1 to the Agreement with the Solid Waste Authority of Palm Beach County for the purpose of securing an efficient, long-term and environmentally sound method to recycle biosolids; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 199-2006

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute a lease with Lewis Rental Properties for the purpose of renting office space; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 200-2006

A resolution of the City of Boca Raton supporting and endorsing the principles of home rule and adopting the policy set forth below to support the premise that the City should have the authority to govern within its jurisdiction; providing for severability; providing for repealer; providing an effective date

k. Receive and File Board Minutes – December 12, 2006

- 1) Citizen's Pedestrian and Bikeway Advisory Board
October 16, 2006
- 2) Community Appearance Board
November 1, 2006
November 7, 2006
- 3) Elder Affairs Advisory Board
September 6, 2006
- 4) General Employees' Pension Board
September 8, 2006 (Joint Administrative Meeting of Gen Emp and
Police & Firefighters' Pension Boards)
September 14, 2006
October 12, 2006 (Disability Review Committee Meeting)
October 12, 2006

- 5) North Federal Highway Steering Committee
October 3, 2006
- 6) Parks and Recreation Board
October 3, 2006
- 7) Physically and Mentally Challenged Board
September 7, 2006
October 4, 2006 (Joint Meeting of PMC and Elder Affairs Advisory Board)
- 8) Planning and Zoning Board
October 5, 2006
October 19, 2006
- 9) Police and Firefighters' Pension Board
October 2, 2006
October 2, 2006 (Disability Review Committee Meeting)
October 19, 2006
November 6, 2006 (Disability Review Committee Meeting)
- 10) Telecommunications Advisory Board
October 3, 2006

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

(Prior to consideration of a motion to approve the quasi-judicial consent agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing.)

(If you are planning to speak during any public hearing under Part II-B, Part III, or Part IV, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any public hearing under Part II-B will be governed by the "quasi-judicial procedures" attached to this agenda.)

REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

(The public hearing on Items 4 and 5 will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines, as required for Ordinance No. 4969. A separate vote will be taken on each ordinance.)

4. Ordinance No. 4968 *(Requires four votes for adoption.)*

An ordinance of the City of Boca Raton amending the Future Land Use Map of the Comprehensive Plan by redesignating certain property consisting of 4.036 acres, more or less, located at 1401 NW 7th Avenue as more specifically described herein, from Medium Residential (RM) to Institutional (PI); providing for the appropriate revisions of the Future Land Use Map; providing for severability; providing for repealer; providing an effective date (UC-06-03/SC)

5. Ordinance No. 4969

An ordinance of the City of Boca Raton rezoning a parcel of land consisting of 4.036 acres, more or less, located at 1401 NW 7th Avenue, as described more particularly herein, from Multi-Family Residential (R-3) to Medical Center (MC); providing for the appropriate revisions of the Zoning District Map; providing for severability; providing for repealer; providing an effective date (UC-06-03/ZC)

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

6. Resolution No. 189-2006

A resolution of the City of Boca Raton amending the Boca Raton Municipal Facilities and Services User Fee Schedule related to advertising fees; providing for severability; providing for repealer; providing an effective date

7. Equalizing Resolution No. 04-E

A resolution of the City of Boca Raton adjusting, equalizing, adopting and confirming the special assessment roll for the construction of a wastewater collection system, and other improvements, in an area generally known as Spanish Village II; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

(Rule 1.13 of the City Code states that the Council shall not grant leave to any person to speak on any ordinance which is listed for the purpose of introduction only.)

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

(If you are planning to speak during public requests, please state your name and address for the record and limit your remarks to five (5) minutes.)

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF BOARD DECISION:

(The public hearing on Items 8.a and 8.b. will be conducted contemporaneously, as the petitions are related, and pursuant to quasi-judicial guidelines. A separate vote will be taken on each resolution.)

8.a. Resolution No. 197-2006

A resolution of the City Council of the City of Boca Raton considering the appeal filed by Matteo's Restaurant of the decision of the Community Appearance Board to deny Permit Number 06-11679 (horizontal wall sign) for the property located at 233 South Federal Highway; providing for severability; providing for repealer; providing an effective date

8.b. Resolution No. 198-2006

A resolution of the City Council of the City of Boca Raton considering the appeal filed by Matteo's Restaurant of the decision of the Community Appearance Board to deny Permit Number 06-11681 (vertical wall sign) for the property located at 233 South Federal Highway; providing for severability; providing for repealer; providing an effective date

CITY MANAGER RECOMMENDATIONS AND REPORTS:

CITY ATTORNEY REPORTS:

MAYOR AND COUNCIL MEMBER REPORTS:

ADJOURNMENT:

Quasi-Judicial Public Hearing Procedures

1. Any hearing listed on the agenda, as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the City Council is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials, which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the City Council will announce for the record any “ex parte” contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The City Attorney will announce that each applicant requesting approval, relief or other action from the City Council, planning and zoning board, community appearance board, or the zoning board of adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City Clerk will administer an oath to all persons who intend to testify at this hearing. **Any person who intends to testify at this hearing is asked to fill out a card, which can be found in the rear of the Council Chamber.** The purpose of this card is to provide an accurate record of an appearance at this hearing. Please hand the card to one of the clerks in the front of the chamber.
5. The City staff will make an initial presentation. The petitioner will then make a presentation. During the staff and petitioner’s presentation, only the members of the City Council are permitted to ask questions.
6. After the petitioner’s presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the City Council are permitted to ask questions.
7. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing.** Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
8. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
9. The Mayor will then declare the public hearing closed, and a motion will be made regarding the matter. The Council will then proceed to discuss the matter and vote on the matter.